

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES ALDRIDGE

PLAINTIFF

V.

Civil Action No.: 1:20-cv-321-LG-JCG

HAROLD T. (TED) CAIN, ET AL.

DEFENDANTS

**PLAINTIFF’S MOTION FOR RE-ASSIGNMENT OF CASE
TO DISTRICT JUDGE WHO PRESIDED OVER TRIAL OF RELATED CASE**

The Plaintiff herein, James Aldridge, respectfully moves through counsel for the Court to consider the judicial efficiencies of a re-assignment of the District Court responsibilities of this proceeding, and submits in support thereof the following:

1. The present case seeks adjudication of the allegedly fraudulent nature of transactions intended to evade collection on a judgment entered in an underlying fraud case arising out of the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3739-3730 (“FCA”), styled *United States ex rel. James Aldridge v. Corporate Management, Inc.*, S.D.Miss. Case No. 1:16-cv-00369-HTW-LRA (hereafter, “FCA proceeding”). On May 10, 2020, a monetary judgment in the amount of \$32,637,827 was entered against Ted Cain, and a judgment in the amount of \$27,483,317 was also entered against Julie Cain, both of whom are also Defendants in the present action. (FCA Proceeding, Docket No. 409). In the course of the FCA proceeding, it was transferred to the Southern Division of this Court, though the originally-assigned District Judge, the Honorable

Henry T. Wingate, continued to preside over the proceeding. Indeed, Judge Wingate has presided over the FCA proceeding throughout its thirteen-year history.

2. That Judgment Order in that FCA proceeding was entered by Judge Wingate, following a trial before him and a jury at the United States Courthouse in Gulfport, Mississippi, which consumed over forty days during January, February, and March of 2020. (*Id.* at Docket Entries beginning on January 13, 2020 and ending on March 12, 2020).

3. In the course of presiding over the lengthy trial of the FCA proceeding, Judge Wingate considered at length all parties' arguments and evidence concerning an alleged pattern of transactions and related efforts on the part of the Cain Defendants which had "created obstacles to the United States' ability to collect on a judgment due and owing." (*Id.* at Docket Nos. 367 and 369).

4. Issues of additional fraudulent transfers raised in the present proceeding clearly relate to the pattern of efforts by the Cain Defendants to "create obstacles" to the ability of either the United States or the Relator (as partial assignee, by statute, of the claims and judgment rights of the United States) to collect on the judgment in the FCA proceeding.

WHEREFORE, the interests of judicial efficiency and the avoidance of contradictory results justify a re-assignment to District Judge Henry T. Wingate of the present proceeding.

This the 27th day of January, 2021.

Respectfully submitted,
JAMES ALDRIDGE
By his Attorneys,
PIGOTT LAW FIRM, P.A.

By: s/Brad Pigott
J. Brad Pigott

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Certificate of Electronic Service

I hereby certify that I have this day caused the foregoing Motion to be served on all attorneys who have entered any appearance in this proceeding through electronic service on the Clerk of this Court in accordance with the Clerk's ECF system for electronic filing, and thus to the registered email addresses of each such attorney of record.

This the 27th day of January, 2021.

 s/Brad Pigott
J. Brad Pigott